

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**WILLIAM D RENCH**  
Claimant

**APPEAL NO. 12A-UI-13793-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/02/11  
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

William Rench filed a timely appeal from the November 16, 2012, reference 03, decision that he was overpaid \$4,196.75 in benefits for the 13 weeks between January 30, 2011 and April 23, 2011. After due notice was issued, a hearing was held on December 19, 2012. Mr. Rench participated. The hearing in this matter was consolidated with the hearing in Appeal Number 12A-UI-13792-JTT. Department Exhibits D-1, D-2 and D-3 were received into evidence. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to the claimant.

**ISSUE:**

Whether Mr. Rench was overpaid \$4,196.75 in benefits for the 13 weeks between January 30, 2011 and April 23, 2011.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: William Rench established a claim for unemployment insurance benefits that was effective January 2, 2011 and received benefits in connection with the claim. The benefits Mr. Rench received included \$4,196.75 in benefits for the 13 weeks between January 30, 2011 and April 23, 2011.

On April 27, 2011, a Workforce Development representative entered a reference 01 decision that that disqualified Mr. Rench for benefits effective January 31, 2011 based on an agency conclusion that Mr. Rench had refused an offer of suitable work without good cause on January 31, 2011. Mr. Rench did not file a timely appeal from the disqualification decision and it became a final agency decision. See Appeal Number 12A-UI-13792-JTT.

The overpayment decision that Mr. Rench has appealed from was based on the April 27, 2011, reference 01 decision that disqualified him for benefits effective January 31, 2011. That decision indicated that Mr. Rench would be disqualified for benefits until he had worked in and been paid wages for insured work equal to 10 times his weekly benefit amount.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. The employer shall not be charged with the benefits.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

Due to the April 27, 2011, reference 01 disqualification decision, Mr. Rench was not eligible for the \$4,196.75 in benefits he received for the 13 weeks between January 30, 2011 and April 23, 2011. Accordingly, those benefits constitute an overpayment of benefits. Mr. Rench must repay that amount.

**DECISION:**

The Agency representative's November 16, 2012, reference 03, decision is affirmed. The claimant was overpaid \$4,196.75 in benefits for the 13 weeks between January 30, 2011 and April 23, 2011. The claimant must repay that amount.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs